

Staff Report



Zoning Case ZA10-13/P92-45R2 (The Courtyard)

City Council Meeting Date: 2-22-11

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance changing the zoning classification on property at 4607 Hawkins Cemetery Road from "PD (Planned Development) for a day care center and all "O" (Office) uses except medical" to "PD (Planned Development) for a day care center and beauty salon and all "O" (Office) uses except medical" with final development plan.

PRIOR BOARD OR COUNCIL ACTION

In October 1992, City Council approved Zoning Case Z92-45/P92-45 which changed the zoning on the site from "A" (Agriculture) to "PD (Planned Development) for a daycare center and all "O" uses except medical" with final development plan approval.

In June 2002, City Council approved Zoning Case P92-45R1, which revised the development plan to allow the construction of a 4,224-square-foot, one-story office building on the site.

On January 5, 2011, the Planning and Zoning Commission recommended approval of ZA10-13/P92-45R2 by a vote of 7-0-0.

On February 8, 2011, City Council approved first reading by a vote of 9-0-0.

REQUEST

The applicant requests to change the zoning on approximately 0.898 acres of land from "PD (Planned Development) for a day care center and all "O" (Office) uses except medical" to "PD (Planned Development) for a day care center and beauty salon and all "O" (Office) uses except medical" with final development plan approval; addressed at 4607 Hawkins Cemetery Road, and generally located south of West Interstate 20 Highway and west of Southwest Green Oaks Boulevard.

ANALYSIS

The subject site is developed with a 4,224-square-foot, one-story brick office building surrounded by the following land uses: a day care center to the north; a residential subdivision to the south; and additional office developments located immediately to the east and across Hawkins Cemetery Road to the west.

The applicant has indicated that the current use of the building is exclusively for her law practice. However, she intends to lease a portion of the structure for the operation of a beauty salon. A total of 13 parking spaces are required to accommodate the existing and proposed uses, and 17 parking spaces currently exist on the site. Access to the site will continue to be from Hawkins Cemetery Road. No additional modifications to the site or to the building are proposed at this time.

The Southwest Sector Plan Future Land Use Map designates this area as low density residential, which supports detached single family residential units with an average gross density of less than seven units per acre. Appropriate zoning for this designation is "E" (Estate, single family residential with a minimum lot size of 10,000 square feet) and "R" (Single family residential with a minimum lot size of 7,200 square feet).

Although the request for a beauty salon is not in conformance with the Southwest Sector Plan, the use is not expected to negatively impact surrounding properties due to the site's location in a predominantly non-residential area along a minor collector.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

Ordinance with Exhibits A and B
Case Information with P&Z Summary
Site Plan (3 Pages)

Under separate cover:

None

Available in the City Secretary's office:

None

STAFF CONTACTS

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Ordinance No. 11-010

An ordinance changing the zoning classification on certain property known as 4607 Hawkins Cemetery Road to “PD (Planned Development) for a day care center and beauty salon and all “O” (Office) uses except medical” by approval of zoning case ZA10-13 revising P92-45; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard zoning case ZA10-13 and recommended approval of the zoning amendment on January 5, 2011; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

The zoning classification of certain property known as 4607 Hawkins Cemetery Road, described in Exhibit A, is hereby changed to “PD (Planned Development) for a day care center and beauty salon and all “O” (Office) uses except medical” and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance immediately after the effective date of this ordinance.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 8th day of February, 2011, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 22nd day of February, 2011, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

ZA10-13/P92-45R1

EXHIBIT "A"

BEING approximately 0.898 acres of land with frontage on Hawkins Cemetery Road, and is commonly known as Lot 1R1 of the Williamson Place Addition, an addition to the City of Arlington, Texas;

AND being generally south of West Interstate 20 Highway and west of Southwest Green Oaks Boulevard with the approximate address being 4607 Hawkins Cemetery Road.

EXHIBIT “B”

1. The zoning of the site is “PD (Planned Development) for a day care center and beauty salon and all “O” (Office) uses except medical” with final development plan approval.
2. The existing 4,224-square-foot brick office building has two access points from Hawkins Cemetery Road.
3. A minimum of 13 parking spaces shall be provided on the site.
4. Use and development of the property must be in compliance with attached site plans (three pages).
5. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.

Case Information



Applicant/Owner: William and Mary Enox

Sector Plan: Southwest

Council District: 2

Allowable Uses: All uses in "PD" (Planned Development) zoning as itemized in Attachment B.

Development History: Zoning Case Z92-45/P92-45 changed the zoning on the site to "PD (Planned Development) for a daycare center and all "O" use except medical" with final development plan approval. Zoning Case P92-45R1 revised the development plan to allow the construction of a 4,224 square foot, one-story office building on the site.

The subject site is currently platted as Lot 1R1 of the Williamson Place Addition.

No additional zoning cases have been processed in the general vicinity in the past five years.

Transportation: The proposed development has two points of access from Hawkins Cemetery Road.

Thoroughfare	Existing	Proposed
Hawkins Cemetery Road	65-foot, 2-lane undivided minor collector	60-foot, 2-lane undivided minor collector

Traffic Impact: The revision to the PD will generate similar traffic patterns as compared to the existing PD. This will not significantly impact the adjacent roadway systems.

Water & Sewer: Water and sewer services are available to the subject site.

Drainage: The site is located within the Rush Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant City Ordinances are complied with.

Fire: Fire Station Number 7, located at 5601 Ronny Snow Drive, provides protection to this site. The estimated fire response time is 2.65 minutes, which is in keeping with recommended standards.

School District: This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has indicated that the proposal will not have any impact on the school district.

Case Information

**Notices Sent:**

Neighborhood

Associations:

Arlington Chamber of Commerce Downtown Development

Arlington Neighborhood Council

East Arlington Review

Southeast Arlington Community Alliance

WeCan (West Citizen Action Network)

Northern Arlington Ambience

Southwest Action Team of Arlington

Forest Hills HOA

Far South Arlington Neighborhood Association

ACTION North

East Arlington Renewal

Georgetown HOA

Hidden Creek Neighborhood Association

Hidden Oaks Addition

Highpoint II Community Group

Willow Bend/Thousand Oaks Additions

Property Owners: 24

Letters of Support: 0

Letter of Opposition: 0

PLANNING AND ZONING COMMISSION SUMMARY:**Public Hearing: January 5, 2011**

Zoning Case ZA10-13/P92-45R2 (The Courtyard - 4607 Hawkins Cemetery Road)

Application to change the zoning on approximately 0.898 acres of land from "PD" (Planned Development) for a daycare center and all "O" (Office) uses except medical" to "PD" (Planned Development) for a daycare center and beauty salon and all "O" (Office) uses except medical" with final development plan approval; 4607 Hawkins Cemetery Road and generally located south of West Interstate 20 Highway and west of Southwest Green Oaks Boulevard

Sharon Hurd, Planning Project Manager I, presented this case.

Present to speak in support of this case was Mary Enox, 115 Oakridge Trail, Kennedale.

Jeff Pokrifcsak made a motion to approve Zoning Case ZA10-13/P92-45R2. Seconded by Brandon Hill, the motion carried with a vote of 7-0-0.

APPROVED

Itemized Allowable Uses



Allowable Uses:

“PD” (Planned Development)

Permitted – Beauty salon, crop production, public park, playground or golf course, country club with golf course, church, public or private school, government facility, transit passenger shelter, utility lines, towers or metering station, accessory caretakers quarters, customarily incidental, bed and breakfast inn, college, university or seminar, philanthropic institution, cemetery, airport, heliport or landing field and gas drilling.

Special Exception (SE) - Temporary asphalt or concrete batch plant and temporary sand or gravel extraction.

Conditions (C) - Yacht club or marina, offices (except medical), veterinary clinic, day care, museum or art gallery, private club, lodge or fraternal organization, women's shelter, wireless telecommunications facilities, temporary construction field office, temporary construction storage yard, accessory garage-private.

ZA10-13/P92-45R2

Revision to an approved development plan
South of West Interstate 20 Highway and west of Southwest Green Oaks Boulevard



View of subject site. View southeast.



View of adjacent day care use located north of the subject site. View east.



View of adjacent day care and office uses as seen from the subject site. View east.



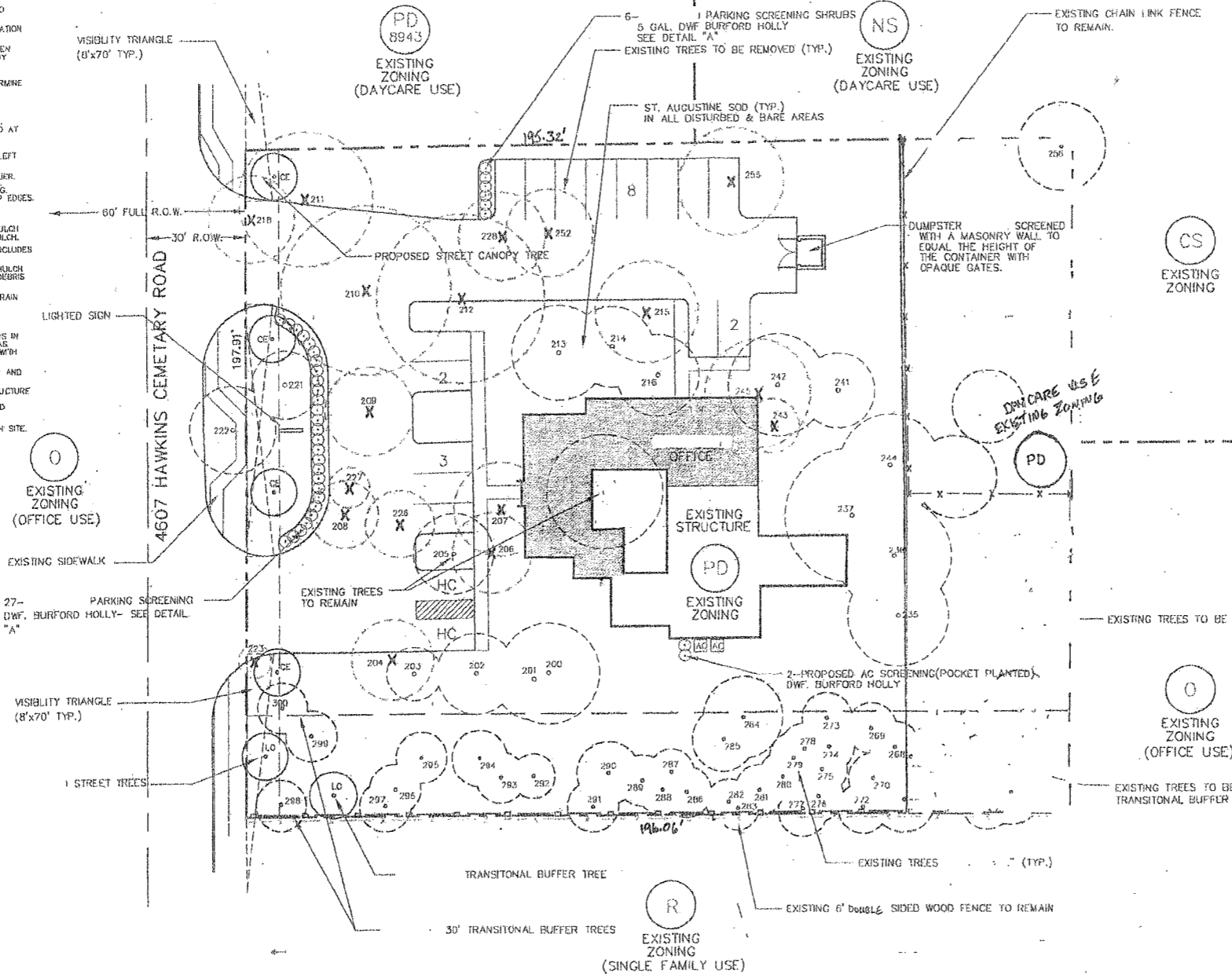
View of adjacent office use located across Hawkins Cemetery Road. View west.

LANDSCAPE NOTES

1. ALL LANDSCAPE REQUIREMENTS AND UNDERGROUND IRRIGATION SYSTEM SHALL CONFORM TO THE CITY OF ARLINGTON ORDINANCE DESIGN STANDARDS IF APPLICABLE.
2. NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE LANDSCAPE IRRIGATION SYSTEM HAS BEEN INSTALLED AND IS OPERATING WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS.
3. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES AND LINE RUNS.
4. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES BASED ON THE DRAWINGS(S) AND ACTUAL FIELD DIMENSIONS. PLANT QUANTITIES HAVE BEEN PROVIDED AS A CONVENIENCE ONLY TO THE OWNER(S) AND SHALL NOT BE CONSIDERED ABSOLUTE. CONTRACTOR SHALL FOLLOW DESIGN INTENT.
5. ALL WATER METERS, FIRE HYDRANTS, VALVES, MANHOLES & CLEAN-OUTS ON OR ADJACENT TO THE SUBJECT PROPERTY MUST REMAIN EASILY ACCESSIBLE FOR MAINTENANCE DURING CONSTRUCTION & UPON THE COMPLETION OF THE NECESSARY GRADING & LANDSCAPING. THE EXISTING FACILITIES SHOULD BE ADJUSTED TO FINAL GRADE, ABOVE THE FINISHED GRADE OF THE LANDSCAPING, PRIOR TO THE COMPLETION OF WORK.
6. ALL PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
7. NOTIFY LANDSCAPE ARCHITECT IF LAYOUT OF TREES, BEDS AND/OR PLANTS REQUIRE ALTERATION FROM LANDSCAPE PLAN. NOTIFICATION WILL BE REQUIRED PRIOR TO ALTERING LAYOUT.
8. TREES SHALL BE HANDLED BY ROOT BALLS ONLY. DO NOT DAMAGE BALL, TRUNK, OR LOOSEN TRUNK FROM BALL. TREE TRUNKS ARE TO BE PLANTED STRAIGHT AND MAY BE REQUIRED BY THE OWNER AND/OR LANDSCAPE ARCHITECT TO BE STAKED.
9. ALL TREES REQUIRED TO BE STAKED AND GUYS SHALL CONTINUE TO BE SO THROUGH THE WARRANTY PERIOD AT WHICH TIME THE OWNER AND/OR LANDSCAPE ARCHITECT SHALL DETERMINE IF REMOVAL IS APPROPRIATE.
10. ALL TREE LOCATIONS SHALL BE APPROVED BY OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
11. AT NO TIME WILL ANY PLANT MATERIAL BE ALLOWED TO SETTLE BEYOND TOP OF ROOT BALL OR PORTED SOIL LINE. SHOULD PLANT MATERIAL SETTLE, THE PLANT(S) WILL BE REPLANTED AT THE PROPER HEIGHT AND/OR REPLACED IF NECESSARY AT THE CONTRACTOR'S COST.
12. ALL PROPOSED BED AREAS SHALL BE TILLED TO A DEPTH OF 6" ABOVE A 3" MIN. LAYER OF ORGANIC COMPOST DURING THE PROCESS. THE LEVEL OF THE BED AREAS SHOULD BE LEFT 3" ABOVE THE PROPOSED FINISHED GRADE TO ALLOW FOR COMPACTION AND SETTLEMENT.
13. ORGANIC COMPOST IS TO BE PROVIDED BY LIVING EARTH TECHNOLOGY OR APPROVED SUPPLIER.
14. ALL BED AREAS SHALL BE SEPARATED FROM TURF AREAS USING 1/8" X 4" PRO STEEL EDGING. ALL EDGES OF STEEL EDGE RUNS SHALL HAVE A RADIUS OR 45° ANGLE TO ELIMINATE SHARP EDGES. HAND FILING MAY BE REQUIRED TO ACHIEVE A SMOOTH EDGE.
15. TRIM STEEL EDGING AT A 45° ANGLE WHEN EDGING INTERSECTS WITH A WALK OR CURB.
16. ALL LANDSCAPE BEDS SHALL RECEIVE A 2" TOP DRESS LAYER OF SHREDDED HARDWOOD MULCH AND ALL TREE WELLS SHALL RECEIVE A 3" TOP DRESS LAYER OF SHREDDED HARDWOOD MULCH.
17. OWNER IS RESPONSIBLE TO PROVIDE ELECTRICAL SERVICE FOR IRRIGATION SYSTEM, WHICH INCLUDES A HANDWIRE OF 110 VOLTS AT MINIMUM FOR THE CONTROLLER.
18. TURF AREAS SHALL BE CLEAN OF DEBRIS AND RAKED (GRADED) SMOOTH PRIOR TO HYDROMULCH OR SOIL INSTALLATION. LANDSCAPE CONTRACTOR TO RECEIVE SHADE TREE OF ROCK AND DEBRIS WITHIN APPROX. 1/10" OF AN INCH OF FINAL GRADE.
19. IRRIGATION WILL BE AN AUTOMATIC UNDERGROUND SYSTEM WITH AUTOMATIC CONTROLLER, RAIN GAUGE AND FREEZE GUARD.
20. DUMPSTER WILL BE SCREENED AS PER THE CITY OF ARLINGTON REQUIREMENTS.
21. VISIBILITY TRIANGLES SHALL BE PROVIDED AT ALL PUBLIC OR PRIVATE STREET INTERSECTIONS IN ACCORDANCE WITH CURRENT CITY ORDINANCE. ALL LANDSCAPING (NOTHING OVER 2 FEET AS MEASURED FROM THE TOP OF THE CURB) WITHIN THE VISIBILITY TRIANGLES SHALL COMPLY WITH THE VISIBILITY ORDINANCE.
22. ALL TREES TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS AND MATCHING CHARACTER AND BRANCHING STRUCTURE.
23. ALL SHRUBS TO BE UNIFORM BY SPECIES WITH MATCHING CHARACTER AND BRANCHING STRUCTURE.
24. ALL PLANTS AND TREES ARE TO CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN AND TEXAS ASSOCIATION OF NURSERYMEN STANDARDS.
25. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY LANDSCAPE MATERIAL ON SITE.

GENERAL NOTES

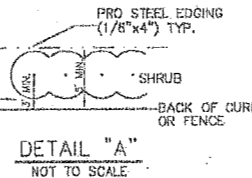
1. Visibility Triangles shall be provided of public or private street intersections in accordance with current city ordinance.
2. All landscaping (nothing over two feet in height measured from the top of curb) within the visibility triangles shall comply with the visibility ordinance.
3. All water meters, fire hydrants, valves, manholes & clean-outs on or adjacent to the subject property must remain easily accessible for maintenance during construction & upon the completion of the necessary grading & landscaping. The existing facilities should be adjusted to final grade, above the finished grade of the landscaping, prior to the completion of the work.
4. The First Zoning to show the proposed commercial use is "NS"
5. The site will conform to all landscaping and screening ordinance standard.
6. All mechanical equipment will be screen per the City Of Arlington Screening Standards.
7. There will be no outside storage.



PLANT SCHEDULE

QTY.	COMMON NAME	BOTANIC NAME	SIZE AT INSTALLATION	SPACING/NOTES
2	Live Oak	(CO)	Quercus virginiana	3" Cal. As Shown
4	Cedar Elm	(CO)	Ulmus crassifolia	3" Cal. As Shown
36	Dwarf Burford Holly	Sex cornuta 'Burford Nano'	5 Gal.	30' o.c.

St. Augustine Sod - Stenotaphrum secundatum Sod - In disturbed areas
 1. ALL TREES TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS AND WITH MATCHING CHARACTER AND BRANCHING STRUCTURE.
 2. ALL SHRUBS TO BE UNIFORM BY SPECIES WITH MATCHING CHARACTER AND BRANCHING STRUCTURE.
 3. ALL PLANT MATERIALS MUST COME FROM A SAME SOURCE SUPPLIER IN ORDER TO MAINTAIN A CONSISTENT COLOR.



Current Zoning:
 "PD" ALL Office & Daycare Uses except Medical
 Proposed Zoning:
 "PD" for Daycare, Beauty Salon, and all "O" uses except medical
 Acreage:
 0.098 Ac
 Owner:
 William & Mary Enox
 115 Oakridge Trail
 Kennedale, Texas 76060
 Contact: Mary Enox 817-371-8563 (Fax) 817-563-7906

Legal Description:

LOT 1-11, WILLIAMSON PLACE ADDITION.

Land Use

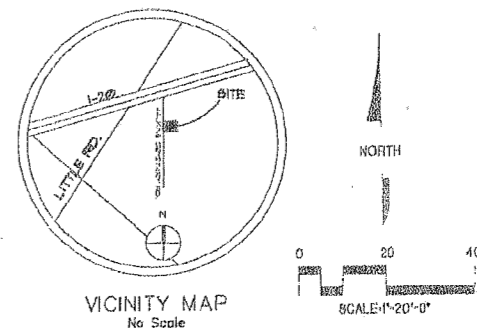
Lot Size: 48,002 S.F. 100%
 Building: 4,224 S.F. 8.6%
 Paving: 10,857 S.F. 22.0%
 Green: 33,911 S.F. 69.4%

LANDSCAPE TABLE

1. STREET TREES REQUIRED	4 TREES
1 TREE / 25 LF OF FRONTAGE	
HAWKINS CEMETARY RD.	140.91 LF / 35 LF = 4 TREES
STREET TREES PROVIDED	4 TREES
2. PARKING SPACES REQUIRED	17 PARKING SPACES REQUIRED
1 PS / 250 SF OF BUILDING	
& ADDITIONAL 10% OF TOTAL PARKING ALLOWED	4224 SF / 250 SF = 17 PS
PARKING SPACES PROVIDED	17 PARKING SPACES PROVIDED
3. NO PARKING ISLAND TREES REQUIRED	
4. TRANSITIONAL BUFFER TREES REQUIRED	12 TREES
1 TREE / 600 SF	
TRANSITIONAL BUFFER TREES PROVIDED	2 PROPOSED TREES 30 EXISTING TREES

LEGEND

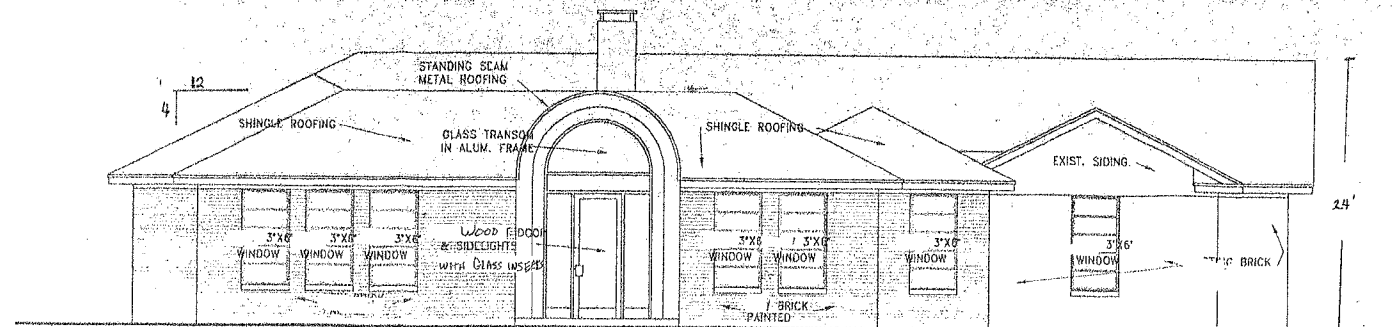
- CE PROPOSED TREE 3" CALIPER
- CE EXISTING TREE TO BE SAVED SEE SHEET 2 OF 2 FOR MITIGATION
- X EXISTING TREE TO BE REMOVED SEE SHEET 2 OF 2 FOR MITIGATION



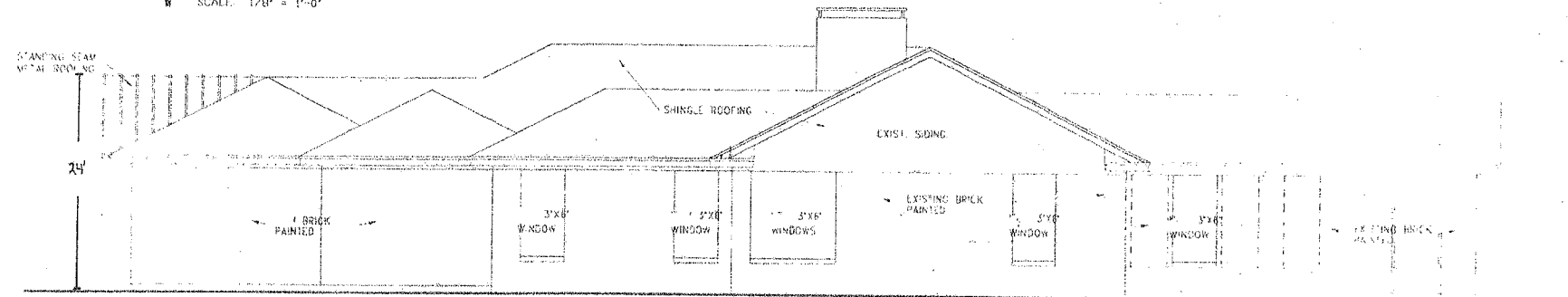
Enox Building

4607 Hawkins Cemetery Rd.
 Arlington, Texas

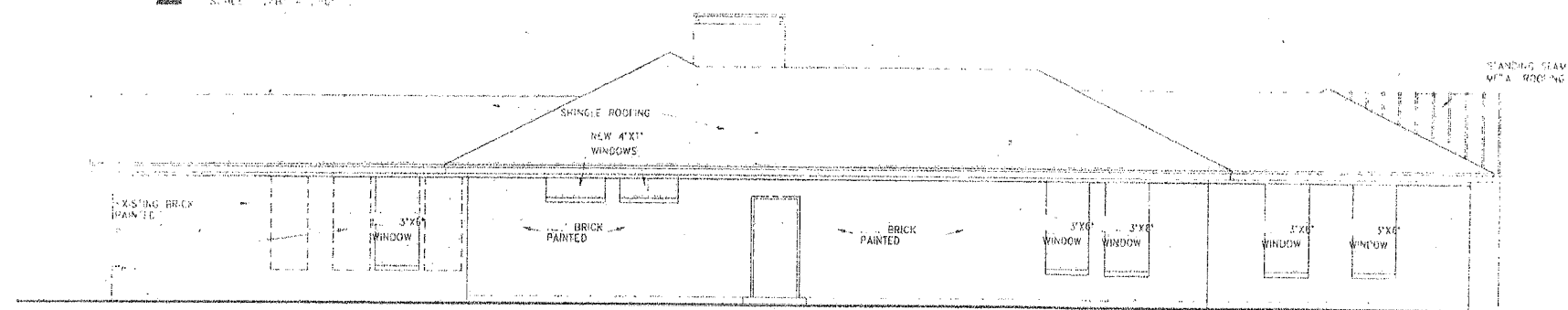
PROJECT TITLE	
Enox Building Arlington, Texas	
vima	
veselka-mycoskie-associates	
200 West 10th Arlington, Texas 76010 817-466-1071 Fax: 817-274-2741 e-mail: vima@vima-100.com	
PROJECT NUMBER:	1046-D-1
PROJECT MANAGER:	CPM
DRAWN BY:	JPL
CHECKED BY:	CPM
ISSUE DATE:	4-10-02
2 6/10/02 REVIEW FOR STAFF 1 6/5/02 REVIEW FOR VMA REV. DATE DESCRIP. BY	
SHEET CONTENT:	
"PD" Landscape Plan	
PD42-45R1	
SHEET NO:	1 OF 2
COPYRIGHT © 2002 VMA INC.	



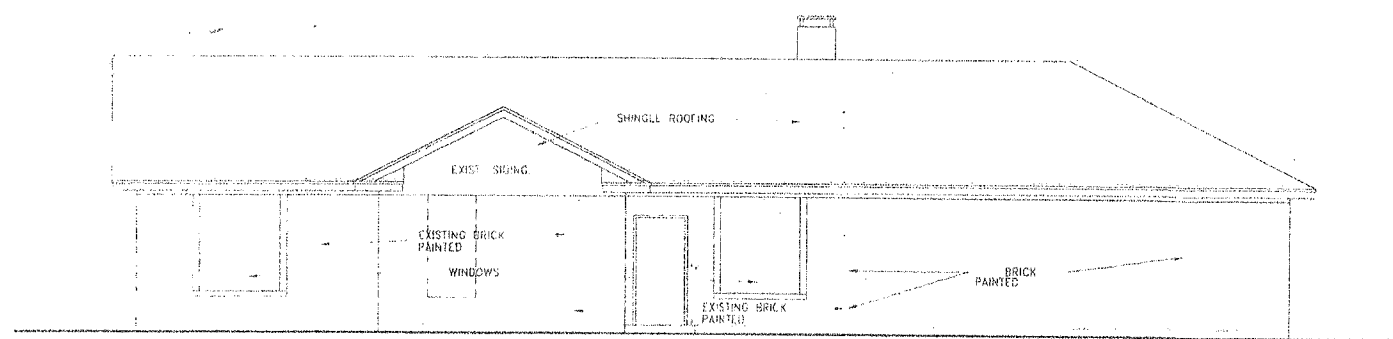
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



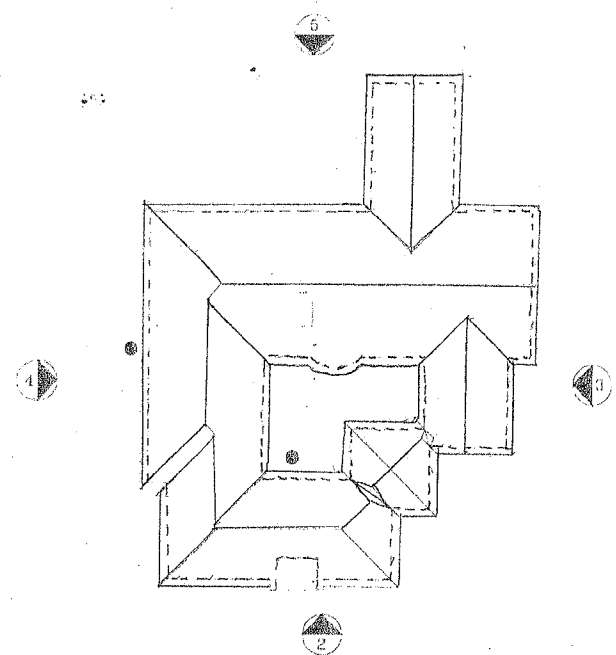
2 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



4 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 ROOF PLAN
SCALE: 1/8" = 1'-0"

OWNERS: WILLIAM & MARY ENOX
115 OAKRIDGE TRAIL
KENNEDALE, TEXAS 76060 817/300-8465

BUILDING FOR BILL & MARY ENOX 4601 HAWKINS CEMETARY ROAD ARLINGTON, TEXAS	REVISED 05-24-2002 A-3
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PD92-45R1